

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSEPH M. ANDERSON,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 3:18-cv-00426-MMD-CLB

ORDER

This is a civil rights case involving Plaintiff Joseph M. Anderson, who is in the custody of the Nevada Department of Corrections. On March 13, 2020, United States Magistrate Judge Carla L. Baldwin conducted a discovery hearing (the “Hearing”) that was memorialized in minutes of proceedings (the “Minutes”) (ECF No. 157). Before the Court is Plaintiff’s objection to the Minutes as inaccurate and a request for transcripts of the Hearing.¹ (ECF No. 159.) As discussed further below, the Court overrules Plaintiff’s objection and denies the request as moot.²

According to the Minutes, Plaintiff attended the Hearing by telephone and agreed to withdraw his motions to compel (“MTCs”) (ECF Nos. 123, 124, 125) and conceded that he failed to meet and confer regarding said motions. (ECF No. 157 at 1-2.) Plaintiff now objects that he never withdrew his MTCs, he in fact met and conferred with opposing counsel, and he never agreed with the scope of discovery outlined in the Minutes. (ECF

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¹Plaintiff has also filed the same document as a separate Motion – Request for Transcripts of the Hearing (3/13/2020). (ECF No. 160.) Because LR IC 2-2(b) requires that a party file a separate document for each type of relief sought, the Court will construe ECF No. 159 as an objection to the Minutes and ECF No. 160 as a request for transcripts.

²The Court has also reviewed Defendants’ responses. (ECF Nos. 161.)

1 No. 159 at 1-3.) To support his objection, Plaintiff also requests transcripts of the Hearing
2 at the expense of Defendants or the Court³. (ECF No. 160 at 1, 4.)

3 However, Plaintiff's objection is untimely. Under LR IB 3-1,⁴ Plaintiff must file his
4 objection to the Minutes by March 27, 2020, 14 days after service of the Minutes on March
5 13, 2020 (ECF No. 157). Instead, Plaintiff filed his objection and request on April 6, 2020—
6 10 days past the deadline. (ECF Nos. 159, 160.) The Court therefore overrules Plaintiff's
7 objection as untimely and denies his request for transcripts as moot.

8 The Court notes that the parties made several arguments and cited to laws not
9 discussed above. The Court has reviewed these arguments and laws and determines that
10 they do not warrant discussion as they do not affect the outcome of the objection and
11 request before the Court.

12 It is further ordered that Plaintiff's objection (ECF No. 159) to Judge Baldwin's
13 minutes is overruled.

14 It is further ordered that Plaintiff's motion requesting transcripts of the Hearing (ECF
15 No. 160) is denied as moot.

16 DATED THIS 22nd day of April 2020.

17 
18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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21 ³Moreover, the Court cannot grant the requested relief even if it is not rendered
22 moot by the untimeliness of the objection. Plaintiff is not entitled to shift the cost of the
23 proceedings to Defendants by asking that Defendants pay for the cost of the transcripts.
24 Nor can the Court use public funds to pay for the transcripts, The 9th Circuit has held that
25 28 U.S.C. § 1915 does not authorize waiver of payments or fees of expenses for certain
26 trial proceedings. *Tedder v. Odol*, 890 F.2d 210, 211 (9th Cir. 1989) (citing *Johnson v*
Hubbard, 698 F.2d 286, 289 (6th Cir. 1983), *cert. denied*, 464 U.S. 917 (1983) (court in
dicta referred to transcripts as part of trial proceedings that the "constitution does not
require a court, or in practical terms, the federal government, to pay for at the request of
the indigent party."))

27 ⁴Because the Minutes involved a discovery-related pretrial matter, LR IB 3-1
28 applies. See *Middleton v. Omely Telecom Corp.*, No. 2:16-cv-1369-JAD-GWF, 2017 WL
5559913, at *1 (D. Nev. Nov. 16, 2017) ("Consent is not required for a magistrate judge to
resolve the pretrial issues contemplated by [28 U.S.C.] § 636(b)(1)(A), like . . . resolving
discovery-related issues.").